

REMARKS

Claims 15, 16-30 and 32 remain in the application. In the outstanding Final Office Action all of the claims were rejected under Section 102 or under Section 103 based on Lin (U.S. 6,252,919) alone or in combination with Yoshida (U.S. 5,687,240) or Takeuchi (U.S. 5,432,296). The rejections are traversed in part and claim 22 is presented in independent form because it is believed that the rejection was in error. Reconsideration is requested in view of the amendment and the following remarks. It is submitted that the amendment should be entered because it places the application in better condition for allowance or appeal.

Each of the independent claims now further distinguishes over the Lin reference. Claim 15 is expressly directed to a device that adjusts audio playback speed without affecting tonal pitch of the sequence. In this regard, claim 15 requires that the merge unit generate a modified version of the first sequence of audio signal samples, characterized by a playback speed different than that of the first sequence without imparting a change in tonal pitch to the modified version relative to the first sequence. The Lin reference differs, as disclosed at col. 1, lines 57-61, by requiring that the converted audio stream "must have the same total play time." The other independent claims include similar distinctions. Further, according to claim 15, throughout the working cycle, the square of the first coefficient plus the square of the second coefficient equals one. In contrast to this, the citation of Lin (col. 8, lines 12-13) used to reject claim 16 (now canceled) does not relate to the sum of the squares throughout the working cycle.

It is also urged that the subject matter of claims 31 as examined, which relates to the additional delay unit and an additional multiplication unit, is non-obvious over Lin because the Lin reference has no motivation to provide these additional components. Claims 22 and 27 are amended to include this subject matter. In contrast to applicant's teachings, the Lin reference is concerned with addressing frequency differences on the order of 1000 parts per million to correct slight differences between two crystals "when the frequencies are the same ... [col. 1, lines 32-40]." Only the applicant teaches incorporating an additional delay unit and an additional multiplication unit because it is only the applicant who teaches a devices and methods for generating a playback speed different than that of the first sequence without imparting a change in tonal pitch.

Conclusion

Applicants contend that the applied art is inapplicable to the claims as now presented and the amendment should be entered so that the application can be allowed. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: Jan. 05, 2009

By: Janet D. Hood

Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830